



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Sep 29, 2015

LEGAL NOTICE TO SUSPECTED DISCHARGER

Mr. Gerald Beck
Director Of Operations – Northeast District
Colonial Pipeline LLC
1089 Kings Highway
West Deptford, NJ 08086

RE: Colonial's Gasoline Release, Centreville, Virginia Response Site and FPN E15315 Colonial Pipeline Site

Dear Sir:

This legal notice is issued pursuant to the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which appears at Title 40, Code of Federal Regulations, Part 300 (40 C.F.R. Part 300).

As the Person who is the owner or operator of Colonial Pipeline LLC (facility) at 14250 Sweetwater Lane, Centreville, Fairfax County Virginia which was determined to be the source(s) of a discharge(s) of gasoline which threatens and/or impacts upon the navigable waters of the United States, you may be a Responsible Party. The term "Responsible Party", as defined at 33 U.S.C. § 2701 (32), includes any person owning or operating a vessel, onshore facility, offshore facility, deepwater port, or pipeline from which a discharge of oil has originated. In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the Responsible Party is defined as the person who would have been the responsible party immediately prior to abandonment. The United States Environmental Protection Agency (EPA) has concluded that gasoline oil had discharged and/or threatens to discharge from the facility into Big Rocky Run on or about Sep 22, 2015 and that the substantial threat of discharge from the facility continues to exist. Big Rocky Run is a tributary to Cub Run a navigable water of the United States.

The NCP encourages persons responsible for discharges to voluntarily and promptly perform removal actions, provided the Federal On-Scene Coordinator (OSC) determines such actions will ensure an effective and immediate removal of the discharge or mitigation or prevention of a substantial threat of discharge. Such actions have been deemed necessary by the OSC in this case.

If you are willing voluntarily undertake a removal action (clean-up) in response to this Legal Notice, or otherwise pursuant to an Administrative Order under the Clean Water Act, 33 U.S.C. § 1321(c) and/or 33 U.S.C. § 1321(e), as amended by the Oil Pollution Act Amendments of 1990, your actions may be monitored by EPA, and you are hereby advised that pursuant to Section 311 (f) of the Clean Water Act, 33 U.S.C. § 1321(f), you may be liable to United States for the actual costs incurred by EPA for such oversight costs. If you are unwilling to voluntarily undertake a removal action (cleanup) in response to this Legal Notice, or if you do not otherwise comply with an Administrative Order to conduct a proper

clean-up, the EPA will take the necessary removal response actions to remove the contaminant, mitigate the effects of the discharge and/or prevent the substantial threat of discharge. If the EPA conducts the removal response action, you are hereby advised that pursuant to Section 311(f) of the Clean Water Act, 33 U.S.C. § 1321(f), you may be liable to United States for the actual costs incurred in the response action, including but not limited to costs of restoring damaged natural resources, and possible penalties.

The clean-up will include, but may not necessarily be limited to, the following measures:

- (1) Source control;
- (2) Removal of oil from waters/shorelines;
- (3) Natural resources damages assessments, as applicable; and/or
- (4) Other mitigative measures as determined necessary by EPA

You should note that the application of dispersants, surface collecting agents, biological additives or miscellaneous oil spill control products is not permitted unless authorized by the OSC. In addition, sinking agents shall not be authorized for application to oil discharges.

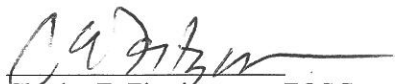
The OSC has evaluated the magnitude and severity of the discharge or threat to public health or welfare or the environment. Based upon this evaluation, and in consideration of the immediate response activities already undertaken by the Fairfax County Fire and Rescue Department, Commonwealth of Virginia Department of Environmental Quality and/or to date, you are requested to respond within five (5) business days upon your receipt of this legal notice, to verify if you are the Responsible Party, and if so, to inform the EPA of your intent to [a] voluntarily and immediately perform the clean-up; or [b] enter into an agreement to conduct the clean-up. Failure to respond in a timely manner may result in the clean-up being performed by EPA. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the incident, and that you have declined involvement in performing the removal action. You may be held liable for the cost of the removal action EPA performs at the Site and any potential penalties.

If you deny responsibility for the discharge of oil described above, you are requested to advise the EPA contact immediately of the specific basis for your denial of responsibility.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein.

Your response to this legal notice should be sent or given to the signatory of this letter below, at the USEPA Region III, Environmental Science Center, 701 Mapes Rd., Ft. Meade, Md.

For the EPA:



Charles E. Fitzsimmons, FOSC
EPA III – 701 Mapes Rd.
Ft. Meade, Md 20755
443.223.9774 (M)